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8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 KENNETH MALLOY,

11 Plaintiff,

12 vs.

13 CITY OF SACRAMENTO, *et al.*,

14 Defendants.

Case No.: 2:24-cv-01940-TLN-AC

**JOINT STIPULATION TO MODIFY
SCHEDULING ORDER; ORDER**

15 Hon. Troy L. Nunley

16 Plaintiff Kenneth Malloy and Defendants City of Sacramento, Samuel Korbs,
 17 Dustin Henderson, and Riley Start, by and through their respective counsel, and
 18 subject to the approval of this Court, hereby stipulate to a modification of the
 19 operative Order governing scheduling in this matter (ECF No. 14).

20 Specifically, the parties respectfully request that the Scheduling Order for
 21 this matter be modified to reflect the following dates, or to similar dates as the
 22 Court's calendar allows:

<u>Deadline</u>	<u>Current Date</u>	<u>New Date</u>
Fact Discovery Cut-Off:	September 30, 2025	October 28, 2025
Expert Disclosure:	December 1, 2025	December 29, 2025
Rebuttal Expert Disclosure:	January 2, 2026	January 30, 2026

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1 WHEREAS, the parties have taken the depositions of Plaintiff, all
2 Defendants, and several City-designated 30(b)(6) witnesses, however, one of those
3 Rule 30(b)(6) witnesses designated by the City testified that she was not prepared
4 to testify on one of the noticed topics;

5 WHEREAS, the parties agree Plaintiff should be permitted to take an
6 appropriate Rule 30(b)(6) deposition on that topic;

7 WHEREAS, Plaintiff plans to take the deposition of one additional City-
8 designated 30(b)(6) witness;

9 WHEREAS, the identified witness is not available prior to the current fact
10 discovery deadline, but is available in early to mid-October;

11 WHEREAS, counsel for the parties have met and conferred and agree that it
12 would be in the interest of justice and judicial economy and that good cause exists
13 for the modification of the scheduling order;

14 WHEREAS, this stipulation is not being made for the purpose of delay, or
15 any other improper purpose;

16 WHEREAS, continuing the deadlines will not prejudice any party or their
17 counsel;

18 WHEREAS, this is the parties' second request to modify the scheduling
19 order;

20 WHEREAS the Court granted the parties' first request to modify the
21 scheduling order at ECF No. 14;

22 THEREFORE, the parties agree and stipulate to the above-requested
23 modification to this Court's Scheduling Order (ECF No. 14), or to similar dates as
24 the Court's calendar allows.

1 **IT IS SO STIPULATED.**

2 **McKENZIE SCOTT, PC**

3 Dated: September 29, 2025

4 By: /s/Marcus S. Bourassa
5 MARCUS S. BOURASSA
6 TIMOTHY A. SCOTT
7 *Attorneys for Plaintiff*
8 *Kenneth Malloy*

9 **SACRAMENTO CITY**
10 **ATTORNEY**

11 Dated: September 29, 2025

12 By: /s/Kate D.L. Brosseau
13 KATE D.L. BROSSEAU
14 *Deputy City Attorney*
15 *Attorneys for Defendants*

ORDER

Having reviewed and considered the above stipulation, the scheduling order is modified to reflect the following deadlines:

<u>Deadline</u>	<u>Current Date</u>	<u>New Date</u>
Fact Discovery Cut-Off:	September 30, 2025	October 28, 2025
Expert Disclosure:	December 1, 2025	December 29, 2025
Rebuttal Expert Disclosure:	January 2, 2026	January 30, 2026

IT IS SO ORDERED.

DATED: September 29, 2025

Troy L. Nunley
Chief United States District Judge